

United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

FINLAY INTERESTS 21, LTD.

§

V.

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§

CINCO CORPORATION

§

§

V.

§

§

FINLAY INTERESTS 21, LTD., ET AL.

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CASE NO. 4:05CV226
(Judge Schneider/Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On February 13, 2006, the Magistrate Judge entered a report containing his proposed findings of fact and recommendation that Cinco Corporation's Motion for Summary Judgment be GRANTED. The Plaintiff and Counter-Defendants filed objections on February 23, 2006.

The Court, having made a *de novo* review of the objections raised by the Plaintiff and Counter-Defendants, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff and Counter-Defendants are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Cinco Corporation's Motion for Summary Judgment is, in all respects, **GRANTED**. It is further

ORDERED that Cinco Corporation shall submit an affidavit for attorney's fees by March 15, 2006, to which Plaintiff and Counter-Defendants may respond by March 30, 2006. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 9th day of March, 2006.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE